In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.4579/06
Smt. Phooli Vs. State of Rajasthan
&
S.B. Criminal Misc. Bail Application No.5395/2006
Rameshwar Vs. State of Rajasthan

Date Of Order :: 15th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Ali Mohd. Khan with
Mr. Sanjay Gangwar, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Since both these anticipatory bail applications pertain to and arise out of the common FIR No.299/1992 registered at Police Station Neem Ka Thana, District Sikar for the offence under sections 498-A & 304-B IPC, hence they are being disposed of by this common order.

Heard learned counsel for accused petitioners, learned Public Prosecutor, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that deceased Archana died at the time of delivery which is evident from the investigation in this matter. It is also submitted that police after thorough investigation filed final negative report against the accused petitioners but lateron on the protest petition cognizance was taken against which revision was filed in which cognizance order was set aside and the case was remanded

back and again Judicial Magistrate, Neem Ka Thana, District Sikar took the cognizance for the offence under sections 498-A & 304-B IPC and issued warrant of arrest against the accused petitioners.

Learned Public Prosecutor opposed both the bail applications.

Without making any observation on merits, having considered the rival submissions made at the bar and keeping in view that in the FIR lodged on 4/12/1992 police after investigation filed final negative report, thereafter on the protest petition court took the cognizance which was also set aside by the revisional court and again Judicial Magistrate took the cognizance and this fact has also come in the investigation that during the course of delivery deceased Archana died, I deem it proper to direct the Judicial Magistrate, Neem Ka Thana, District Sikar to issue bailable warrant against the accused petitioners in the sum of Rs.10,000/- each in place of warrant of arrest.

Ordered accordingly. Both the bail applications stand disposed of.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.